

for comment
W.D.P.

81ST CONGRESS
2D SESSION

S. 3842

Redrafted
to S. 3959

IN THE SENATE OF THE UNITED STATES

JUNE 28 (legislative day, JUNE 7), 1950

Mr. McCLELLAN introduced the following bill; which was read twice and referred to the Committee on Expenditures in the Executive Departments

A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That subsection (a) of section 109 of the Federal Property
4 and Administrative Services Act of 1949 (Public Law 152,
5 Eighty-first Congress) is amended to read as follows:

6 "SEC. 109. (a) There is hereby authorized to be set
7 aside in the Treasury a special fund which shall be known as
8 the General Supply Fund. Such fund shall be composed of
9 the assets of the general supply fund (including any surplus
10 therein) created by section 3 of the Act of February 27,
11 1929 (45 Stat. 1342; 41 U. S. C. 7c), and transferred to

1 the Administrator by section 102 of this Act, and such sums
2 as may be appropriated thereto, and the Fund shall assume all
3 of the liabilities, obligations, and commitments of the general
4 supply fund created by such Act of February 27, 1929. The
5 capital of the General Supply Fund shall be in an amount not
6 greater than \$75,000,000. In advance of each fiscal year
7 the Administrator of General Services shall file with the
8 Secretary of the Treasury an estimate, approved by the
9 Bureau of the Budget, showing the cost of sales to be made
10 through the General Supply Fund during the approaching
11 fiscal year. Thereafter, on request of the Administrator,
12 the Secretary of the Treasury is authorized and directed
13 to credit the said Fund with such moneys, not otherwise
14 appropriated, as will increase the Fund to a sum not in
15 excess of 25 per centum of said estimate. At the begin-
16 ning of each fiscal year, if the capital account of the
17 General Supply Fund shall exceed 25 per centum of said
18 estimate, the excess shall be covered into the Treasury
19 as miscellaneous receipts. Once during any fiscal quarter
20 year, the Administrator may revise said estimate with
21 the approval of the Director of the Bureau of the
22 Budget, and the General Supply Fund shall be accordingly
23 increased or diminished at the request of the Admin-
24 istrator. Any proposed increase or decrease in the capi-
25 tal of the General Supply Fund shall be reported in the

1 annual budget of the United States. The General Supply
2 Fund shall be available for use by or under the direction and
3 control of the Administrator (1) for procuring personal
4 property (including the purchase from or through the Public
5 Printer, for warehouse issue, of standard forms, blankbook
6 work, Federal specifications, and other printed material in
7 common use by Federal agencies and not available through
8 the Superintendent of Documents) and nonpersonal serv-
9 ices for the use of Federal agencies in the proper dis-
10 charge of their responsibilities, and (2) for paying
11 all elements of cost of the procurement, handling, and dis-
12 tribution thereof, except that on and after July 1, 1950, those
13 elements of cost which are determined by the Administrator
14 with the approval of the Director of the Bureau of the
15 Budget to be indirect or overhead costs shall not be paid
16 from the Fund.

17 SEC. 2. (a) The final sentence of subsection (a) of
18 section 109 of the Federal Property and Administrative Serv-
19 ices Act of 1949, as hereinbefore amended, is amended to
20 read as follows: "The General Supply Fund shall be avail-
21 able for use by and under the direction of the Administrator
22 (1) for procuring personal property (including the purchase
23 from or through the Public Printer, for warehouse issue, of
24 standard forms, blankbook work, Federal specifications, and
25 other printed material in common use by Federal agencies

1 and not available through the Superintendent of Documents)
2 and nonpersonal services for the use of Federal agencies in
3 the proper discharge of their responsibilities, and (2) for
4 paying the purchase price, transportation to first storage
5 point of supplies and services, and the cost of personal serv-
6 ices employed directly in the repair, rehabilitation, and con-
7 version of personal property.”

8 (b) The third sentence of subsection (b) of section
9 109 of such Act is amended to read as follows: “On and
10 after such date, such prices shall be fixed at levels so as to
11 recover so far as practicable the applicable purchase price,
12 the transportation cost to first storage point, inventory losses,
13 the cost of personal services employed directly in the repair,
14 rehabilitation, and conversion of personal property, and the
15 cost of amortization and repair of equipment utilized for
16 lease or rent to executive agencies.”

17 (c) The amendments made by this section shall be
18 effective on the date, not earlier than July 1, 1950, on which
19 the Administrator of General Services shall determine that
20 appropriated funds adequate to effectuate the purposes of
21 such amendments have been made available.

22 SEC. 3. (a) The final sentence of subsection (b) of
23 section 109 of the Federal Property and Administrative
24 Services Act of 1949 is amended to read as follows: “Where
25 an advance of funds is not made, requisitioning agencies shall

1 promptly reimburse the General Services Administration in
2 accordance with accounting procedures approved by the
3 Comptroller General: *Provided*, That in any case where
4 payment shall not have been made by the requisitioning
5 agency within 45 days after the date of billing by the
6 Administrator or the date on which an actual liability for
7 supplies or services is incurred by the Administrator, which-
8 ever is the later, reimbursement may be obtained by the
9 Administrator by the issuance of transfer and counterwar-
10 rants supported by itemized invoices."

11 (b) Section 109 of the Federal Property and Admin-
12 istrative Services Act of 1949 is amended by adding at the
13 end thereof the following new subsection:

14 "(g) The Administrator of General Services is author-
15 ized in his discretion to charge vendors and producers of
16 commodities considered for purchase such fees as he shall
17 determine to be reasonable for testing such commodities for
18 conformance to specifications and standards, and such fees
19 may be deposited in the General Supply Fund and used to
20 defray the expenses of conducting such tests as the Adminis-
21 trator may prescribe."

22 SEC. 4. Paragraphs (1) and (2) of section 203 (j) of
23 the Federal Property and Administrative Services Act of
24 1949 are amended to read as follows:

25 "(1) Under such regulations as he may prescribe, the

1 Administrator is authorized in his discretion to donate for
2 educational purposes or public health purposes, including
3 research, in the States, Territories, and possessions without
4 cost (except for costs of care and handling) such equipment,
5 materials, books, or other supplies under the control of
6 any executive agency as shall have been determined to be
7 surplus property and which shall have been determined under
8 paragraph (2) or paragraph (3) of this subsection to be
9 usable and necessary for educational purposes or public
10 health purposes, including research.

11 “(2) Determination whether such surplus property
12 (except surplus property donated in conformity with para-
13 graph (3) of this subsection) is usable and necessary for
14 educational purposes or public health purposes, including
15 research, shall be made by the Federal Security Admin-
16 istrator, who shall allocate such property on the basis of
17 needs and utilization for transfer by the Administrator
18 of General Services to tax-supported medical institutions,
19 hospitals, or similar institutions providing health care,
20 school systems, schools, colleges, and universities, and to
21 other nonprofit medical institutions, hospitals, or similar
22 institutions providing health care, schools, colleges, and
23 universities which have been held exempt from taxation
24 under section 101 (6) of the Internal Revenue Code,
25 or to State departments of education or health for dis-

1 tribution to such tax-supported and nonprofit medical insti-
2 tutions, hospitals, or similar institutions providing health
3 care, school systems, schools, colleges, and universities;
4 except that in any State where another agency is desig-
5 nated by State law for such purpose such transfer shall
6 be made to said agency for such distribution within
7 the State."

8 SEC. 5. The Federal Property and Administrative Serv-
9 ices Act of 1949 is amended by—

10 (a) redesignating section 210 thereof as section
11 212, and wherever such section number appears in such
12 Act as originally enacted, it is amended to conform to
13 the redesignation prescribed by this subsection;

14 (b) inserting in the table of contents appearing in
15 the first section of such Act, immediately after the line
16 in which "Sec. 209." appears, the following:

 "Sec. 210. Operation of buildings and related activities.
 "Sec. 211. Automobile identification."

17 (c) inserting, immediately after section 209
18 thereof, the following new sections:

19 "OPERATION OF BUILDINGS AND RELATED ACTIVITIES

20 "SEC. 210. (a) Whenever and to the extent that the
21 Administrator has been or hereafter may be authorized by
22 any provision of law other than this subsection to main-
23 tain, operate, and protect any building, property, or grounds

1 situated in or outside the District of Columbia, including the
2 construction, repair, preservation, demolition, furnishing, and
3 equipment thereof, he is authorized in the discharge of the
4 duties so conferred upon him—

5 “(1) to purchase, repair, and clean uniforms for
6 civilian employees of the General Services Administra-
7 tion who are required by law or regulation to wear
8 uniform clothing;

9 “(2) to furnish arms and ammunition for the pro-
10 tection force maintained by the General Services Ad-
11 ministration;

12 “(3) to pay ground rent for buildings owned by
13 the United States or occupied by Federal agencies, and
14 to pay such rent in advance when required by law or
15 when the Administrator shall determine such action to
16 be in the public interest;

17 “(4) to employ and pay personnel employed in
18 connection with the functions of operation, maintenance,
19 and protection of property at such per diem rates as
20 may be approved by the Administrator, not exceeding
21 rates currently paid by private industry for similar serv-
22 ices in the place where such services are performed;

23 “(5) without regard to the provisions of section 322
24 of the Act of June 30, 1932 (47 Stat. 412), as amend-
25 ed, to pay rental, and to make repairs, alterations, and

1 improvements under the terms of any lease entered into
2 by, or transferred to, the General Services Administra-
3 tion for the housing of any Federal agency which on
4 June 30, 1950, was specifically exempted by law from
5 the requirements of said section;

6 “(6) to obtain payments, through advances or
7 otherwise, for services, space, quarters, maintenance,
8 repair, or other facilities furnished, on a reimbursable
9 basis, to any other Federal agency, or any mixed-owner-
10 ship corporation (as defined in the Government Cor-
11 poration Control Act), or the District of Columbia, and
12 to credit such payments to the applicable appropriation
13 of the General Services Administration;

14 “(7) to make changes in, maintain, and repair the
15 pneumatic tube system connecting buildings owned by
16 the United States or occupied by Federal agencies in
17 New York City installed under franchise of the city of
18 New York, approved June 29, 1909, and June 11,
19 1928, and to make payments of any obligations arising
20 thereunder in accordance with the provisions of the Acts
21 approved August 5, 1909 (36 Stat. 120), and May 15,
22 1928 (45 Stat. 533);

23 “(8) without regard to the 25 per centum limitation
24 of section 322 of the Act of June 30, 1932 (47 Stat.

1 412), as amended, to repair, alter, and improve rented
2 premises when the Administrator shall certify that the
3 execution of such work, without reference to such limi-
4 tation, would in the specific case be in the best interest
5 of the United States;

6 “(9) to pay sums in lieu of taxes on real property
7 declared surplus by Government corporations, pursuant
8 to the Surplus Property Act of 1944, where legal title
9 to such property remains in any such Government
10 corporation;

11 “(10) to furnish utilities and other services where
12 such utilities and other services are not provided from
13 other sources to persons, firms, or corporations occupy-
14 ing or utilizing plants or portions of plants which con-
15 stitute (A) a part of the National Industrial Reserve
16 pursuant to the National Industrial Reserve Act of
17 1948, or (B) surplus real property, and to credit the
18 amounts received therefrom to the applicable appro-
19 priation of the General Services Administration;

20 “(11) at the direction of the Secretary of Defense,
21 to use proceeds received from insurance against damage
22 to properties of the National Industrial Reserve for re-
23 pair or restoration of the damaged properties; and

24 “(12) to acquire, by purchase, condemnation, or
25 otherwise, real estate and interests therein.

1 “(b) At the request of any Federal agency or any
2 mixed-ownership corporation (as defined in the Govern-
3 ment Corporation Control Act), or the District of Columbia,
4 the Administrator is hereby authorized to operate, maintain,
5 and protect any building owned by the United States (or,
6 in the case of any wholly owned or mixed-ownership Gov-
7 ernment corporation, by such corporation) and occupied by
8 the agency or instrumentality making such request.

9 “(c) At the request of any Federal agency or any
10 mixed-ownership corporation (as defined in the Govern-
11 ment Corporation Control Act), or the District of Columbia,
12 the Administrator is hereby authorized (1) to acquire land
13 for buildings and projects authorized by the Congress; (2)
14 to make or cause to be made, under contract or otherwise,
15 surveys and test borings and to prepare plans and specifica-
16 tions for such buildings and projects prior to the approval by
17 the Attorney General of the title to the sites thereof; and
18 (3) to contract for, and to supervise, the construction and
19 development and the equipping of such buildings or projects.
20 Any sum available to any such Federal agency or instru-
21 mentality for any such building or project may be transferred
22 by such agency to the General Services Administration in
23 advance for such purposes as the Administrator shall deter-
24 mine to be necessary, including the payment of salaries and
25 expenses of personnel engaged in the preparation of plans

1 and specifications or in field supervision, and for general
2 office expenses to be incurred in the rendition of any such
3 service.

4 “(d) Whenever the Director of the Bureau of the
5 Budget shall determine such action to be in the interest of
6 economy or efficiency, he shall transfer to the Administrator
7 all functions then vested in any other executive agency with
8 respect to the operation, maintenance, and custody of any
9 office building owned by the United States or any wholly
10 owned Government corporation, or any office building or part
11 thereof occupied by any executive agency under any lease,
12 except that no transfer shall be made under this subsection—

13 “(1) of any post-office building unless the Director
14 shall first determine that such building is not used pre-
15 dominantly for post-office purposes, and functions which
16 are transferred hereunder to the Administrator with
17 respect to any post-office building may be delegated by
18 him only to another officer or employee of the General
19 Services Administration or to the Postmaster General;

20 “(2) of any building located in any foreign country;

21 “(3) of any building located on the grounds of any
22 fort, camp, post, arsenal, navy yard, naval training
23 station, air field, proving ground, military supply depot,
24 or school, or of any similar facility of the Department
25 of Defense, unless and to such extent as a permit for

1 its use by another agency or agencies shall have been
2 issued by the Secretary of Defense or his duly authorized
3 representative;

4 “(4) of any building which the Director of the
5 Bureau of the Budget finds to be a part of a group of
6 buildings which are (A) located in the same vicinity,
7 (B) utilized wholly or predominantly for the special
8 purposes of the agency having custody thereof, and
9 (C) not generally suitable for the use of other
10 agencies; or

11 “(5) of the Treasury Building, the Bureau of En-
12 graving and Printing Building, the buildings occupied
13 by the National Bureau of Standards, and the buildings
14 under the jurisdiction of the regents of the Smithsonian
15 Institution.

16 “AUTOMOBILE IDENTIFICATION

17 “SEC. 211. Under regulations prescribed by the Admin-
18 istrator, every motor vehicle acquired and used for official
19 purposes within the United States, its Territories, or posses-
20 sions, by any Federal agency or the District of Columbia
21 shall be conspicuously identified by showing thereon
22 either (a) the full name of the department, establishment,
23 corporation, or agency by which it is used and the service in
24 which it is used, or (b) a title descriptive of the service in
25 which it is used if such title readily identifies the department,

1 establishment, corporation, or agency concerned: *Provided,*
2 That the regulations issued pursuant to this section may
3 provide for exemptions from the requirement of this section
4 when conspicuous identification would interfere with the pur-
5 pose for which a vehicle is acquired and used."

6 SEC. 6. The Federal Property and Administrative Serv-
7 ices Act of 1949 is amended by—

8 (a) redesignating "title V" of such Act as "title
9 VI" thereof, and "title V", wherever it appears therein,
10 is amended to read "title VI";

11 (b) redesignating sections 501-505, inclusive, of
12 such Act, respectively, as sections 601-605, inclusive,
13 thereof, and wherever any such section number appears
14 in such Act as originally enacted, it is amended to con-
15 form in numbering to the redesignation prescribed by
16 this subsection;

17 (c) inserting at the proper place in the table of con-
18 tents to such Act the following:

"TITLE V—FEDERAL RECORDS

- "Sec. 501. Short title.
- "Sec. 502. Custody and control of property.
- "Sec. 503. National Historical Publications Commission.
- "Sec. 504. Federal Records Council.
- "Sec. 505. Records management; the Administrator.
- "Sec. 506. Records management; agency heads.
- "Sec. 507. Archival administration.
- "Sec. 508. Reports.
- "Sec. 509. Legal status of reproductions.
- "Sec. 510. Limitation on liability.
- "Sec. 511. Definitions."

15

1 (d) inserting, immediately following title IV thereof,
2 the following new title:

3 "TITLE V—FEDERAL RECORDS

4 "SHORT TITLE

5 "SEC. 501. This title may be cited as the 'Federal
6 Records Act of 1950'.

7 "CUSTODY AND CONTROL OF PROPERTY

8 "SEC. 502. The Administrator shall have immediate
9 custody and control of the National Archives Building and
10 its contents, and shall have authority to design, construct,
11 purchase, lease, maintain, operate, protect, and improve
12 buildings used by him for the storage of records of Federal
13 agencies in the District of Columbia and elsewhere.

14 "NATIONAL HISTORICAL PUBLICATIONS COMMISSION

15 "SEC. 503. (a) There is hereby created a National
16 Historical Publications Commission consisting of the
17 Archivist (or an alternate designated by him), who shall
18 be Chairman; the Librarian of Congress (or an alternate
19 designated by him); one Member of the United States
20 Senate to be appointed, for a term of four years, by the
21 President of the Senate; one Member of the House of
22 Representatives to be appointed, for a term of two years,
23 by the Speaker of the House of Representatives; one repre-
24 sentative of the judicial branch of the Government to be

1 appointed, for a term of four years, by the Chief Justice
2 of the United States; one representative of the Department of
3 State to be appointed, for a term of four years, by the Secre-
4 tary of State; one representative of the Department of De-
5 fense to be appointed, for a term of four years, by the Secre-
6 tary of Defense; two members of the American His-
7 torical Association to be appointed by the council of the
8 said association, one of whom shall serve an initial term
9 of two years and the other an initial term of three years,
10 but their successors shall be appointed for terms of four
11 years; and two other members outstanding in the fields
12 of the social or physical sciences to be appointed by the
13 President of the United States, one of whom shall serve
14 an initial term of one year and the other an initial term
15 of three years, but their successors shall be appointed for
16 terms of four years. The Commission shall meet annually
17 and on call of the Chairman.

18 “(b) Any person appointed to fill a vacancy in the
19 membership of the Commission shall be appointed only for
20 the unexpired term of the member whom he shall succeed,
21 and his appointment shall be made in the same manner in
22 which the appointment of his predecessor was made.

23 “(c) The expenses of the Commission, including the
24 personal services of an executive director and such an
25 editorial and clerical staff as the Administrator may de-

1 termine to be necessary, are hereby authorized to be paid
2 by the Administrator. Members of the Commission who
3 represent any branch or agency of the Government shall
4 serve as members of the Commission without additional
5 compensation. All members of the Commission shall be
6 reimbursed for transportation expenses incurred in attend-
7 ing meetings of the Commission, and all such members
8 other than those who represent any branch or agency of
9 the Government of the United States shall receive in lieu of
10 subsistence en route to or from or at the place of such serv-
11 ice, for each day actually spent in connection with the
12 performance of their duties as members of such Commission,
13 such sum, not to exceed \$25, as the Administrator shall
14 prescribe.

15 “(d) The Commission shall make plans, estimates, and
16 recommendations for such historical works and collections
17 of sources as it deems appropriate for printing or otherwise
18 recording at the public expense. The Commission shall also
19 cooperate with and encourage appropriate Federal, State, and
20 local agencies and nongovernmental institutions, societies,
21 and individuals in collecting and preserving and, when it
22 deems such action to be desirable, in editing and publishing
23 the papers of outstanding citizens of the United States and
24 such other documents as may be important for an under-

1 standing and appreciation of the history of the United States.
2 The Chairman of the Commission shall transmit to the
3 Administrator from time to time, and at least once annually,
4 such plans, estimates, and recommendations as have been
5 approved by the Commission.

6 "FEDERAL RECORDS COUNCIL

7 "SEC. 504. The Administrator shall establish a Federal
8 Records Council, and shall advise and consult with the
9 Council with a view to obtaining its advice and assistance
10 in carrying out the purposes of this title. The Council shall
11 include representatives of the legislative, judicial, and
12 executive branches of the Government in such number as
13 the Administrator shall determine, but such Council shall
14 include at least four representatives of the legislative branch,
15 at least two representatives of the judicial branch, and at least
16 six representatives of the executive branch. Members of
17 the Council representing the legislative branch shall be desig-
18 nated, in equal number, from Members of the Senate and the
19 House of Representatives, by the President of the Senate
20 and the Speaker of the House of Representatives, respec-
21 tively. Members of the Council representing the judicial
22 branch shall be designated by the Chief Justice of the United
23 States. Members of the Council representing the executive
24 branch shall be designated by the Administrator from persons
25 nominated by the head of the agency concerned. Members

1 of the Council shall serve without compensation, but shall
2 be reimbursed for all necessary expenses actually incurred
3 in the performance of their duties as members of the Council.
4 The Council shall elect its chairman, and shall meet at
5 least once annually.

6 "RECORDS MANAGEMENT; THE ADMINISTRATOR

7 "SEC. 505. (a) The Administrator shall make provi-
8 sions for the economical and efficient management of records
9 of Federal agencies (1) by analyzing, developing, promot-
10 ing, and coordinating standards, procedures, and techniques
11 designed to improve the management of records, to
12 insure the maintenance and security of records deemed
13 appropriate for preservation, and to facilitate the segrega-
14 tion and disposal of records of temporary value, and (2)
15 by promoting the efficient and economical utilization of
16 space, equipment, and supplies needed for the purpose of
17 creating, maintaining, storing, and servicing records.

18 "(b) The Administrator shall establish standards for
19 the selective retention of records of continuing value, and
20 assist Federal agencies in applying such standards to records
21 in their custody; and he shall notify the head of any Federal
22 agency of any actual, impending, or threatened unlawful
23 removal, defacing, alteration, or destruction of records in the
24 custody of such agency that shall come to his attention, and
25 assist the head of such agency in initiating action through

1 the Attorney General for the recovery of such records as shall
2 have been unlawfully removed and for such other redress
3 as may be provided by law.

4 “(c) The Administrator is authorized to inspect or
5 survey personally or by deputy the records of any Federal
6 agency, as well as to make surveys of records management
7 and records disposal practices in such agencies, and shall be
8 given the full cooperation of officials and employees of agen-
9 cies in such inspections and surveys: *Provided*, That records,
10 the use of which is restricted by or pursuant to law or for
11 reasons of national security or the public interest, shall be
12 inspected or surveyed in accordance with regulations promul-
13 gated by the Administrator, subject to the approval of the
14 head of the custodial agency.

15 “(d) The Administrator is authorized to establish,
16 maintain, and operate records centers for the storage, proc-
17 essing, and servicing of records for Federal agencies pending
18 their deposit with the National Archives of the United States
19 or their disposition in any other manner authorized by law;
20 and to operate centralized microfilming services for Federal
21 agencies.

22 “(e) Subject to applicable provisions of law, the Ad-
23 ministrator shall promulgate regulations governing the
24 transfer of records from the custody of one executive agency
25 to that of another.

1 “(f) The Administrator may empower any Federal
2 agency, upon the submission of evidence of need therefor, to
3 retain records for a longer period than that specified in dis-
4 posal schedules approved by Congress, and, in accordance
5 with regulations promulgated by him, may withdraw dis-
6 posal authorizations covering records listed in disposal
7 schedules approved by Congress.

8 “RECORDS MANAGEMENT; AGENCY HEADS

9 “SEC. 506. (a) The head of each Federal agency shall
10 cause to be made and preserved records containing adequate
11 and proper documentation of the organization, functions,
12 policies, decisions, procedures, and essential transactions of
13 the agency and designed to furnish the information necessary
14 to protect the legal and financial rights of the Government
15 and of persons directly affected by the agency's activities.

16 “(b) The head of each Federal agency shall establish
17 and maintain an active, continuing program for the eco-
18 nomical and efficient management of the records of the
19 agency. Such program shall, among other things, provide
20 for (1) effective controls over the creation, maintenance,
21 and use of records in the conduct of current business; (2)
22 cooperation with the Administrator in applying standards,
23 procedures, and techniques designed to improve the man-
24 agement of records, promote the maintenance and security
25 of records deemed appropriate for preservation, and facilitate

1 the segregation and disposal of records of temporary value;
2 and (3) compliance with the provisions of this title and the
3 regulations issued thereunder.

4 “(c) Whenever the head of a Federal agency deter-
5 mines that substantial economies or increased operating
6 efficiency can be effected thereby, he shall provide for
7 the storage, processing, and servicing of records that
8 are appropriate therefor in a records center maintained
9 and operated by the Administrator or, when approved by
10 the Administrator, in such a center maintained and operated
11 by the head of such Federal agency.

12 “(d) Any official of the Government who is authorized
13 to certify to facts on the basis of records in his custody, is
14 hereby authorized to certify to facts on the basis of records
15 that have been transferred by him or his predecessors to the
16 Administrator.

17 “(e) The head of each Federal agency shall establish
18 such safeguards against the removal or loss of records as he
19 shall determine to be necessary and as may be required by
20 regulations of the Administrator. Such safeguards shall in-
21 clude making it known to all officials and employees of the
22 agency (1) that no records in the custody of the agency are
23 to be alienated or destroyed except in accordance with the
24 provisions of the Act approved July 7, 1943 (57 Stat. 380-
25 383), as amended July 6, 1945 (59 Stat. 434), and (2)

1 the penalties provided by law for the unlawful removal or
2 destruction of records.

3 “(f) The head of each Federal agency shall notify
4 the Administrator of any actual, impending, or threatened
5 unlawful removal, defacing, alteration, or destruction of
6 records in the custody of the agency of which he is the
7 head that shall come to his attention, and with the assist-
8 ance of the Administrator shall initiate action through the
9 Attorney General for the recovery of records he knows or
10 has reason to believe have been unlawfully removed from
11 his agency, or from any other Federal agency whose records
12 have been transferred to his legal custody.

13 “(g) Nothing in this title shall be construed as limiting
14 the authority of the Comptroller General of the United
15 States with respect to prescribing accounting systems, forms,
16 and procedures, or lessening the responsibility of collecting
17 and disbursing officers for rendition of their accounts for
18 settlement by the General Accounting Office:

19 “ARCHIVAL ADMINISTRATION

20 “SEC. 507. (a) The Administrator, whenever it appears
21 to him to be in the public interest, is hereby authorized—

22 “(1) to accept for deposit with the National
23 Archives of the United States the records of any Federal
24 agency or of the Congress of the United States that
25 are determined by the Archivist to have sufficient his-

1 torical or other value to warrant their continued preservation by the United States Government;

2
3 “(2) to direct and effect with the approval of the
4 head of the originating agency (or if the existence of
5 such agency shall have been terminated, then with the
6 approval of his successor in function, if any) the transfer
7 of records deposited (or approved for deposit) with the
8 National Archives of the United States to public or
9 educational institutions or associations: *Provided*, That
10 the title to such records shall remain vested in the United
11 States unless otherwise authorized by Congress; and

12 “(3) to direct and effect the transfer of materials
13 from private sources authorized to be received by the
14 Administrator by the provisions of subsection (e) of
15 this section.

16 “(b) The Administrator shall be responsible for the
17 custody, use, and withdrawal of records transferred to him:
18 *Provided*, That whenever any records the use of which is
19 subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with
20 respect to the examination and use of such records applicable
21 to the head of the agency from which the records were
22 transferred or to employees of that agency shall thereafter
23 likewise be applicable to the Administrator, the Archivist,
24 and to the employees of the General Services Administra-

tion, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or release such restrictions without the concurrence of his successor in function, if any, of such agency head): *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may

1 be removed or relaxed by the Administrator with the con-
2 currence in writing of the head of the agency from which
3 material has been transferred (or if the existence of such
4 agency shall have been terminated, then with the concurrence
5 in writing of his successor in function, if any).

6 “(c) The Administrator shall make provisions for the
7 preservation, arrangement, repair and rehabilitation, dupli-
8 cation and reproduction (including microcopy publications),
9 description, and exhibition of records transferred to him as
10 may be needful or appropriate, including the preparation
11 and publication of inventories, indexes, catalogs, and other
12 finding aids or guides facilitating their use; and, when ap-
13 proved by the National Historical Publications Commission,
14 he may also publish such historical works and collections of
15 sources as seem appropriate for printing or otherwise record-
16 ing at the public expense.

17 “(d) The Administrator shall make such provisions and
18 maintain such facilities as he deems necessary or desirable
19 for servicing records in his custody that are not exempt
20 from examination by statutory provisions or other restric-
21 tions.

22 “(e) The Administrator may accept for deposit—

23 “(1) the personal papers and other personal his-
24 torical documentary materials of the present President of

1 the United States, his successors, heads of executive de-
2 partments, and such other officials of the Government
3 as the President may designate, offered for deposit under
4 restrictions respecting their use specified in writing by
5 the prospective depositors: *Provided*, That restrictions
6 so specified on such materials, or any portions thereof,
7 accepted by the Administrator for such deposit shall
8 have force and effect during the lifetime of the depositor
9 or for a period not to exceed twenty-five years, which-
10 ever is longer, unless sooner terminated in writing by the
11 depositor or his legal heirs: *And provided further*, That
12 the Archivist determines that the materials accepted for
13 such deposit will have continuing historical or other
14 values;

15 “(2) motion-picture films, still pictures, and sound
16 recordings from private sources that are appropriate for
17 preservation by the Government as evidence of its or-
18 ganization, functions, policies, decisions, procedures, and
19 transactions.

20 “(f) The Administrator is hereby authorized to make
21 and preserve motion-picture films, still pictures, and sound
22 recordings pertaining to and illustrative of the historical de-
23 velopment of the United States Government and its activities,
24 and to make provisions for preparing, editing, titling, scoring,

1 processing, duplicating, reproducing, exhibiting, and re-
2 leasing motion-picture films, still pictures, and sound re-
3 cordings in his custody.

4 "REPORTS

5 "SEC. 508. (a) The Administrator is hereby author-
6 ized to require Federal agencies to report on their activities
7 under the provisions of this title and the Act approved July
8 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59
9 Stat. 434), and, whenever he deems it necessary, to issue
10 regulations to carry out the provisions thereof, which shall
11 be binding on all agencies.

12 "(b) The Administrator shall, whenever he finds that
13 any provisions of this title have been or are being violated,
14 inform in writing the head of the agency concerned of such
15 violations and make recommendations regarding means of
16 correcting them. Unless corrective measures satisfactory to
17 the Administrator are inaugurated within a reasonable time,
18 the Administrator shall submit a written report thereon to
19 the President and the Congress.

20 "LEGAL STATUS OF REPRODUCTIONS

21 "SEC. 509. (a) Whenever any records that are re-
22 quired by statute to be retained indefinitely have been
23 reproduced by photographic, microphotographic, or other
24 processes, in accordance with standards established by the
25 Administrator, the indefinite retention of such photographic,

1 microphotographic, or other reproductions will be deemed to
2 constitute compliance with the statutory requirement for the
3 indefinite retention of such original records. Such reproduc-
4 tions, as well as reproductions made in compliance with
5 regulations promulgated to carry out this title, shall have
6 the same legal status as the originals thereof.

7 “(b) There shall be an official seal for the National
8 Archives of the United States which shall be judicially
9 noticed. When any copy or reproduction, furnished under
10 the terms hereof, is authenticated by such official seal and
11 certified by the Administrator, such copy or reproduction
12 shall be admitted in evidence equally with the original from
13 which it was made.

14 “(c) The Administrator may charge a fee not in excess
15 of 10 per centum above the costs or expenses for making
16 or authenticating copies or reproductions of materials trans-
17 ferred to his custody. All such fees shall be paid into,
18 administered, and expended as a part of the National Ar-
19 chives Trust Fund provided for in section 5 of the Act
20 approved July 9, 1941. There shall be no charge for
21 making or authenticating copies or reproductions of such
22 materials for official use by the United States Government:
23 *Provided*, That reimbursement may be accepted to cover
24 the cost of furnishing such copies or reproductions that could
25 not otherwise be furnished.

1 "LIMITATION ON LIABILITY

2 "SEC. 510. With respect to letters and other intellectual
3 productions after they come into the custody or possession
4 of the Administrator, neither the United States nor its agents
5 shall be liable for any infringement of literary property rights
6 or analogous rights arising thereafter out of use of such
7 materials for display, inspection, research, reproduction, or
8 other purposes.

9 "DEFINITIONS

10 "SEC. 511. When used in this title—

11 "(a) The term 'records' shall have the meaning given
12 to such term by section 1 of the Act entitled 'An Act to
13 provide for the disposal of certain records of the United
14 States Government', approved July 7, 1943 (57 Stat. 380,
15 as amended; 44 U. S. C. 366) ;

16 "(b) The term 'records center' means an establishment
17 maintained by the Administrator or by an agency primarily
18 for the storage, servicing, security, and processing of records
19 that must be preserved for varying periods of time and need
20 not be retained in office equipment and space;

21 "(c) The term 'servicing' means making available for
22 use information in records and other materials in the custody
23 of the Administrator—

24 "(1) by furnishing such records or other materials,
25 or information from such records or other materials, or

1 copies or reproductions thereof to agencies of the Govern-
2 ment for official use and to the public; and

3 “(2) by making and furnishing authenticated or
4 unauthenticated copies or reproductions of such records
5 and other materials;

6 “(d) The term ‘National Archives of the United
7 States’ means those official records that have been deter-
8 mined by the Archivist to have sufficient historical or other
9 value to warrant their continued preservation by the United
10 States Government, and have been accepted by the Admin-
11 istrator for deposit in his custody;

12 “(e) The term ‘unauthenticated copies’ means exact
13 copies or reproductions of records or other materials that are
14 not certified as such under seal and that need not be legally
15 accepted as evidence; and

16 “(f) The term ‘Archivist’ means the Archivist of the
17 United States.”

18 SEC. 7. The Federal Property and Administrative
19 Services Act of 1949 is further amended by—

20 (a) striking out the word “and” preceding “(2)”
21 in subsection (d) of section 3 thereof; substituting a
22 semicolon for the period at the end of said subsection;
23 and adding at the end of such subsection the following:

24 “and (3) records of the Federal Government.”;

25 (b) striking out, in section 208 (a) thereof, the

1 expression "and V", and inserting in lieu thereof the
2 expression "V, and VI";

3 (c) striking out, in section 208 (b) thereof, the
4 expression "and V", and inserting in lieu thereof the
5 expression "V, and VI";

6 (d) striking out the word "and" at the end of
7 paragraph (30) of section 602 (a); striking out the
8 period at the end of paragraph (31) of section 602 (a)
9 and inserting in lieu thereof a semicolon; and adding
10 at the end of section 602 (a) the following new
11 paragraphs:

12 "(32) the Act entitled 'An Act to establish a
13 National Archives of the United States Government,
14 and for other purposes', approved June 19, 1934 (48
15 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a,
16 300c-k) ; and

17 "(33) section 4 of the Act of February 3, 1905,
18 (33 Stat. 687, as amended; 5 U. S. C. 77)."

19 (e) amending subsections 602 (b) and (c) thereof
20 to read as follows:

21 "(b) There are hereby superseded—

22 "(1) the provisions of the first, third, and fifth
23 paragraphs of section 1 of Executive Order Numbered
24 6166 of June 10, 1933, insofar as they relate to any
25 function now administered by the Bureau of Federal

1 Supply except functions with respect to standard con-
2 tract forms; and

3 “(2) sections 2 and 4 of the Act entitled ‘An Act
4 to provide for the disposal of certain records of the
5 United States Government’, approved July 7, 1943
6 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369),
7 to the extent that the provisions thereof are inconsistent
8 with the provisions of title V of this Act.

9 “(c) The authority conferred by this Act shall be in
10 addition and paramount to any authority conferred by any
11 other law and shall not be subject to the provisions of any law
12 inconsistent herewith, except that sections 205 (b) and
13 206 (c) of this Act shall not be applicable to any Govern-
14 ment corporation or agency which is subject to the Govern-
15 ment Corporation Control Act (59 Stat. 597; 31 U. S. C.
16 841).”

17 (f) amending paragraphs (17), (18), and (19)
18 of section 602 (d) thereof to read as follows:

19 “(17) the Central Intelligence Agency;

20 “(18) the Joint Committee on Printing, under the
21 Act entitled ‘An Act providing for the public printing
22 and binding and the distribution of public documents’,
23 approved January 12, 1895 (28 Stat. 601), as amended,
24 or any other Act; or

25 “(19) for such period of time as the President may

1 specify, any other authority of any executive agency
2 which the President determines within one year after the
3 effective date of this Act should, in the public interest,
4 stand unimpaired by this Act."

5 (g) striking out the period at the end of section
6 603 (a) thereof and inserting in lieu thereof a comma
7 and the following: "including payment in advance, when
8 authorized by the Administrator, for library member-
9 ships in societies whose publications are available to
10 members only, or to members at a price lower than
11 that charged to the general public."

12 SEC. 8. (a) Subsection 3 (b) of the Federal Property
13 and Administrative Services Act of 1949 is amended to read
14 as follows:

15 "(b) The term 'Federal agency' means any executive
16 agency or any establishment in the legislative or judicial
17 branch of the Government (except the Senate, the House of
18 Representatives, and the Architect of the Capitol and any
19 activities under his direction)."

20 (b) Section 201 (b) of the Federal Property and
21 Administrative Services Act of 1949 is amended by striking
22 out the expression "or the Senate, or the House of Repre-
23 sentatives,".

1 (c) Section 602 of the Federal Property and Admin-
2 istrative Services Act of 1949 is amended by redesignating
3 subsection (e) thereof as subsection (f), and inserting,
4 immediately after subsection (d) thereof, the following new
5 subsection:

6 “(e) No provision of this Act as originally enacted
7 or as subsequently amended shall apply to the Senate or
8 the House of Representatives (including the Architect of
9 the Capitol and any building, activity, or function under his
10 direction), but any of the services and facilities authorized
11 by this Act to be rendered or furnished shall, as far as prac-
12 ticable, be made available to the Senate, the House of Repre-
13 sentatives, or the Architect of the Capitol, upon their re-
14 quest. If payment would be required for the rendition
15 or furnishing of a similar service or facility to an executive
16 agency, payment therefor shall be made by the recipient
17 thereof, upon presentation of proper vouchers, in advance or
18 by reimbursement (as may be agreed upon by the Admin-
19 istrator and the officer or body making such request). Such
20 payment may be credited to the applicable appropriation
21 of the executive agency receiving such payment. Notwith-
22 standing the provisions of this subsection, subsection 210
23 (b) and subsection 210 (c) of this Act shall not apply to

1 any building, project or grounds, or to any activity, hereto-
2 fore placed under the Architect of the Capitol by any
3 provision of law."

4 SEC. 9. All laws or parts of laws in conflict with the
5 amendments made by this Act are, to the extent of such
6 conflict, hereby repealed.

81ST CONGRESS
2d Session

S. 3842

A BILL

To amend the Federal Property and Administrative Services Act of 1949, and for other purposes.

By Mr. McCLELLAN

JUNE 28 (legislative day, JUNE 7), 1950
Read twice and referred to the Committee on
Expenditures in the Executive Departments